

Chapter 14.76 Nonconformance and Reuse Standards.

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14.76.010 Purpose.

The purposes of this chapter are to:

- A. Establish the legal status of a nonconforming use, site, improvement, or structure by creating provisions through which a nonconforming use, site, improvement, or structure may be maintained, altered, reconstructed, expanded or terminated;
- B. Encourage the adaptive reuse of existing structures which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
 - 1. Permanent reuse of surplus nonresidential facilities such as fire stations, churches, government facilities not retained in public ownership; and
 - 2. Permanent reuse of historic structures listed on the National Register or designated as a state heritage site, a county heritage site or a local historical or cultural site.
- C. Establish the legal status of nonconforming lots and create provisions through which a nonconforming lot may be maintained or developed.

14.76.020 Applicability.

- A. All nonconforming uses, sites, improvements, structures or lots shall be subject to the provisions of this chapter.
- B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - 1. The requirements of the Uniform Building and Fire Codes;
 - 2. The provisions of this Title beyond the specific nonconformance addressed by this chapter.

14.76.030 Nonconformance.

Except as otherwise provided by this chapter:

- A. Any use, site, improvement or structure which was legally established prior to the effective date of this title, or any amendments thereto, shall be considered nonconforming if:
 - 1. The use, site, improvement or structure is now prohibited; or
 - 2. The use, site, improvement or structure does not conform to the site development regulations of the zone in which such use, site, improvement or structure is located including, but not limited to, landscaping, parking, driveway, paving, sidewalk, and signage; or
 - 3. The improvement or structure does not conform to the dimensional regulations of the zone in which such use, site, improvement or structure is located including, but not limited to, setback, height, lot coverage, density and building configuration.

- B. Any nonconformance that is brought into conformance, for any period of time, shall forfeit its status as a nonconformance.

14.76.040 Determining status.

- A. A nonconformance may be maintained, subject to the following limitations:
 - 1. No nonconformance shall be intensified, enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this Title or any amendment thereto, that made the use no longer permissible;
 - 2. No nonconformance shall be moved in whole or in part to any other portion of the lot which contains the nonconformance;
 - 3. No nonconformance shall be altered in a way which increases its nonconformity;
 - 4. Upkeep, repairs and maintenance of a nonconformance shall be permitted; and
 - 5. A nonconformance may be continued in the event that the property ownership or management changes.
- B. A legal use does not become nonconforming because the district in which it is located is changed to a district which requires a conditional use permit for the use, or because the use is changed from an allowed use to a conditional use within the same zone; provided, however, the use may not be expanded nor a structure enlarged, in such circumstances, without first obtaining a conditional use permit pursuant to the requirements of DMC 14.68.
- C. Any nonconformance that is discontinued for a period of 12 continuous months, or for 12 months within any 24 month period, shall be deemed abandoned and shall not be reestablished except as set out in this chapter.
- D. The permanent reuse of surplus nonresidential facilities such as fire stations, churches, or government facilities not retained in public ownership is conditionally permitted subject to the issuance of a conditional use permit in accordance with DMC 14.68. Uses that are conditionally permitted for such facilities are those uses that will allow full use of the facility for residential, retail or office use while having a minimal impact on the adjoining properties. Such reuse of surplus nonresidential facilities may be nonconformances, however, once a conforming use is established, for any period of time, the facility shall forfeit status as a nonconformance.

14.76.050 Historic buildings.

- A. In order to encourage protection of significant features of historic buildings, redevelopment or conversion of historic buildings should attempt to meet the highest possible of the following standards (1 is highest standard, 5 is lowest). For the purposes of this chapter, "historic buildings" are defined as buildings listed on the National Register or designated as state, county or local landmarks.
 - 1. The building is adapted for reuse, retaining the historic features of the building;
 - 2. The building is preserved, with any new addition matching the building materials and construction style;
 - 3. The building is preserved, with a modern addition added;
 - 4. The building is removed, and offered for sale or reuse on another site; or
 - 5. The building is demolished.
- B. In the event that a historic building is converted to any use other than that currently occurring in the building, all underlying zoning requirements of the zone

shall be met, except that regulations that would involve repositioning the building or reconfiguring site improvements shall not be required.

14.76.060 Abatement of legal use, structure or site improvement.

Any use, structure or other site improvement not established in compliance with the use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of this Title.

14.76.070 Repair or reconstruction of nonconforming structure.

A damaged or partially destroyed nonconforming structure or improvement may be repaired or reconstructed, provided that:

- A. The previously existing nonconformance is not increased;
- B. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of the damage or destruction;
- C. The number of off-street parking stalls is not reduced.
- D. Landscaping complies with the requirements of this Title to the extent practicable as determined by the Director.
- E. The structure or improvement has not been damaged or destroyed beyond 50 percent of its assessed value.

14.76.080 Pre-existing legal lots.

In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling may be erected on any legal lot.

- A. A legal lot of record is:
 - 1. A lot created via the subdivision process of Chapter 58.17 RCW
 - 2. Any lot which was a legal lot under the regulations or standards of King County prior to annexation into the City of Duvall.
- B. Lots created prior to 1937 as part of the original town plat shall only be recognized as legal lots of record if: 1) they meet the minimum density and other lot standards of the underlying zone district, 2) they have been combined or created through a legal procedure or instrument recognized by the City, or where an existing structure as of the adoption of this code straddles a lot line, or 3) if they have been granted legal lot status by the City of Duvall as evidenced in writing by the Planning Department prior to the effective date of this ordinance; or
- C. New development may occur on lots created as part of the original town plat only if they are a legal lot of record and meet the minimum density and other lot standards of the underlying zone district. For purposes of this section, new development includes a new residential structure(s) or the relocation of an existing structure(s) either on the same site or to a different site. Additions to existing residential structures on nonconforming lots shall meet all applicable provisions of this Title.
- D. The applicant shall meet all density and dimension requirements of DMC 14.64 unless a variance from such requirements is granted.